

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2703 OF 2018**

Feroz Abbas Qezilbash and Ors.

.. Petitioners

V/s.

Senior Inspector of Police and Ors.

.. Respondents

Mr. Amit Patil i/by Parinam Law Associates for Petitioners.

Mr. Ajay Patil, APP for Respondent No.1.

Dr. Sayed Ejaz Abbas Naqvi for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 21 JULY 2023.****P.C. :**

1. Petitioners i.e. husband and in-laws of Respondent No.2 filed present Petition under Article 226 of Constitution of India and under Section 482 of the Cr. P .C. for quashing of Sessions Case No. 580 of 2019 pending on the file of Additional Sessions Judge, Dindoshi, arising out of C.R.No. 10 of 2018 dated 04.01.2018 under Sections 498A, 406, 504, 328, 376, 377, 313, 465, 467, 468, 471 read with 34 of I.P.C. registered with Oshiwara Police Station, Mumbai, with the consent of Respondent No.2.

2. Learned Advocate for Respondent No.2 tendered across the bar her Affidavit dated 12.07.2023 duly affirmed before a Notary Public at Dhaka, Bangladesh. It is stated therein that, Respondent No.2 is a citizen of Bangladesh and is residing at the

address mentioned in paragraph No.1. She has admitted that, Petitioner No.1 is her husband and Petitioner No.2 and 3 are her father-in-law and mother-in-law, respectively.

It is further stated that, the Petitioners and Respondent No.2 have executed Consent Terms dated 07.07.2023 duly notarized before a Notary Public at Andheri, Mumbai. The said Consent Terms have been countersigned by the Respondent No.2 before a Notary Public at Dhaka, Bangladesh. A photocopy of the said Consent Terms is annexed to the affidavit of Respondent No.2 as Exhibit-A. In paragraph No. 22 of the Affidavit, Respondent No.2 has given her no objection for quashing of Sessions Case No. 580 of 2019 pending on the file of Additional Sessions Judge, Dindoshi, Mumbai.

3. Learned Advocate for Respondent No.2 reiterates the contents of her Affidavit dated 12.07.2023, execution of the Consent Terms dated 07.07.2023 and her 'no objection' for quashing of the crime in question.

4. Perusal of the F.I.R. indicates that, the crime in question has been lodged by Respondent No.3 predominantly out of matrimonial discord with a little exaggeration of facts.

5. In view of the above, Petition is allowed in terms of prayer Clause (aa).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)